

1 KELLER BENVENUTTI KIM LLP
2 Peter J. Benvenutti (# 60566)
(pbenvenutti@kbkllp.com)
3 Michael J. Coffino (# 88109)
(mcoffino@kbkllp.com)
4 Jane Kim (# 298192)
(jkim@kbkllp.com)
5 David A. Taylor (# 247433)
(dtaylor@kbkllp.com)
6 650 California Street, Suite 1900
San Francisco, CA 94108
7 Tel: 415 496 6723
Fax: 650 636 9251

8
9 *Attorneys for Debtors and Reorganized
Debtors*

10 JENNER & BLOCK LLP
11 Laurie Edelstein (# 164466)
455 Market Street, Suite 2100
12 San Francisco, California 94105
Telephone: (628) 267-6800
Facsimile: (628) 267-6859
Email: ledelstein@jenner.com

13
14
15 **UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

16 **In re:**

17 **PG&E CORPORATION,**

18 **- and -**

19 **PACIFIC GAS AND ELECTRIC
COMPANY,**

20 **Debtors.**

- 21 Affects PG&E Corporation
22 Affects Pacific Gas and Electric Company
 Affects both Debtors

23 * *All papers shall be filed in the Lead Case, No.
24 19-30088 (DM).*

25 Bankruptcy Case No. 19-30088 (DM)

26 Chapter 11

27 (Lead Case) (Jointly Administered)

28 **DECLARATION OF GRANT GUERRA IN
SUPPORT OF REORGANIZED DEBTORS'
ONE HUNDRED THIRTEENTH OMNIBUS
OBJECTION TO CLAIMS (CLAIM NOS.
77225, 78534, 78745 (in part), 78623 (in part),
105680, AND 105681) (CITY OF SAN JOSE
CLAIMS))**

**Response Deadline:
February 16, 2022, 4:00 p.m. (PT)**

Hearing Information If Timely Response Made:

Date: March 2, 2022

Time: 10:00 a.m. (Pacific Time)

Place: (Tele/Videoconference Appearances Only)
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102

1 I, Grant Guerra, pursuant to section 1746 of title 28 of the United States Code, declare under
2 penalty of perjury that the following is true and correct to the best of my knowledge, information, and
3 belief:

4 1. I am employed as Chief Counsel in the Law Department of Pacific Gas and Electric
5 Company (the “Utility”), a wholly-owned subsidiary of PG&E Corporation, together with the Utility,
6 the “Reorganized Debtors” in the above-captioned chapter 11 cases. I have been employed as an
7 attorney for PG&E since 2002. Through my job duties and responsibilities, I am familiar with and
8 knowledgeable about certain aspects of the history of events relating to PG&E’s relationship with the
9 City of San Jose (“San Jose”). I make this Declaration in support of the Reorganized Debtors’
10 Objection to the claims identified above. I have personal knowledge of the information and matters set
11 forth below, and if called as a witness, I could and would competently testify about them.

12 2. On December 22, 2005, San Jose filed a civil action against PG&E in the Santa Clara
13 County Superior Court, seeking various relief, including a declaration of rights (the “Santa Clara
14 Action”). The Complaint from the Santa Clara Action is appended to PG&E’s accompanying request
15 for judicial notice as Exhibit C. Distilled, San Jose alleged that the methodology PG&E employed to
16 calculate surcharges due San Jose under the California Municipal Public Lands Use Surcharge Act in
17 certain respects violated the Surcharge Act, and in consequence also local law, including San Jose’s
18 Franchise Fee Ordinances. San Jose did not challenge in the Santa Clara Action the methodology that
19 PG&E employed to calculate taxes under the City’s Utility User Tax ordinance (“UUT Ordinance”)
20 or the amount of requisite Franchise Fees.

21 3. After granting PG&E’s motion for summary judgment, on March 28, 2007 the Superior
22 Court in the Santa Clara Action entered judgment in favor of PG&E and dismissed the action with
23 prejudice. San Jose appealed.

24 4. In January 2010, while the San Jose appeal was pending, PG&E and San Jose settled
25 the Santa Clara Action, which was memorialized in a written settlement agreement that included a
26 general release and a waiver under California Civil Code section 1542. A true and correct copy of the
27 Settlement Agreement is attached to this declaration as Exhibit 1.

5. On May 12, 2020, San Jose sent two similar letters to PG&E regarding alleged underpayment of taxes under the UUT Ordinance and of annual Franchise Fees. Those letters are appended to the accompanying declaration of Cecilia Guiman as Exhibits 12. I responded to both by letter dated May 27, 2020, a true and correct copy of which is attached to this declaration as **Exhibit 2**.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed this twentieth day of January, 2022.

/s/ Grant Guerra

Grant Guerra